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PCT

Dkt. 0575/68103-PCT-US/JPW/BJA/CSA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kausik Si and Eric Kandel
U.S. Serial No. : 10/578,203
Filed : March 21, 2007
For : PRION-LIKE FORM OF CPEB AND RELATED
COMPOSITIONS AND METHODS

30 Rockefeller Plaza, 20th Fl.
New York, New York 10112
May 26, 2010

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA, 22313-1450

Sir:

**COMMUNICATION IN RESPONSE TO MAY 20, 2010 NOTIFICATION OF
DEFECTIVE RESPONSE AND PETITION FOR A ONE-MONTH EXTENSION OF TIME**

This Communication is submitted in response to a May 20, 2010 Notification Of Defective Response issued by the Patent and Trademark Office in connection with the above-identified application. A copy of the May 20, 2010 Notification is attached hereto as **Exhibit A**. The May 20, 2010 Notification provides a one month time limit from the date of the Notification or within the time remaining in the response set forth in the Notification Of Missing Requirements (i.e. the February 26, 2010 Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or amino acid sequence disclosures), whichever is the longer. The February 26, 2010 Notice indicates that a response must be filed within two (2) months thereof, i.e. by April 26, 2010, and that extensions of time may be obtained under 37 C.F.R. §1.136(a). Applicants hereby petition for a one-month extension of

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time for responding. With a one-month extension of time a response to the February 26, 2009 Notice is due May 26, 2010. Accordingly, this Communication is being timely filed.

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Remarks

The May 20, 2010 Notification indicates that applicants' response to the February 26, 2010 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure is acknowledged. The Notification indicates, however, that the requirements of the February 26, 2010 Notice have not been met. Specifically, the Notification indicates:

A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. § 1.821(e). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in CRF is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter.

Applicants note that the April 29, 2010 (actually April 26, 2010) Amendment in Response to the February 26, 2010 Notice included a paper copy of the Sequence Listing, a computer readable form of the Sequence Listing, and a Statement of Compliance Under 37 C.F.R. §1.821(f).

In response to the May 20, 2010 Notification, applicants (1) submit herewith an additional copy of a diskette containing a CRF of the Sequence Listing, (2) attach hereto as **Exhibit B** a Statement of Compliance Under 37 C.F.R. §1.821(f) certifying that the CRF of the Sequence Listing enclosed herewith is identical to the written

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Sequence Listing as filed and includes no new matter.

Applicants maintain that a CRF of the Sequence Listing was submitted on April 26, 2010. Applicants attach hereto as **Exhibit C** a copy of a postcard submitted with the response to the February 26, 2010 Notice. The postcard explicitly states that "a CRF Sequence Listing" is included with the Response to the February 26, 2010 Notice. The postcard is clearly stamped by the U.S. Patent Office without any indication that a CRF of the Sequence Listing was not received. Applicants contend that the May 20, 2010 Notification is improperly issued and request that the SIXTY FIVE DOLLARS (\$65.00) fee for a one-month extension of time be waived for filing this Communication.

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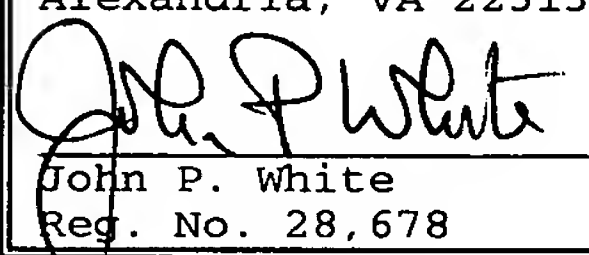
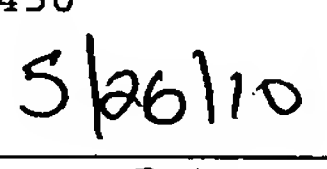
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than a \$65.00 fee for a one-month extension of time, is deemed necessary in connection with the filing of this Communication. Applicants request that the one-month extension of time fee of \$65.00 be waived in view of the arguments made hereinabove. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

06/02/2010 LLANDGRA 00000030 033125 10578203

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
 John P. White Reg. No. 28,678	 Date

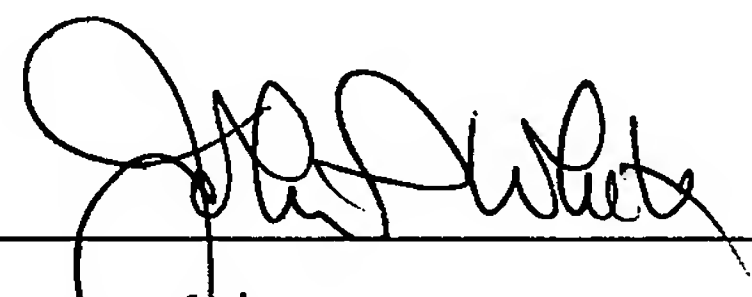

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EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO
10/578,203	Kausik Si	68103-PCT-US/JPW/CH

23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
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INTERNATIONAL APPLICATION NO.	
PCT/US04/36781	
I.A. FILING DATE	PRIORITY DATE
11/05/2004	11/07/2003

CONFIRMATION NO. 5211
371 FORMALITIES LETTER



OC000000041709252

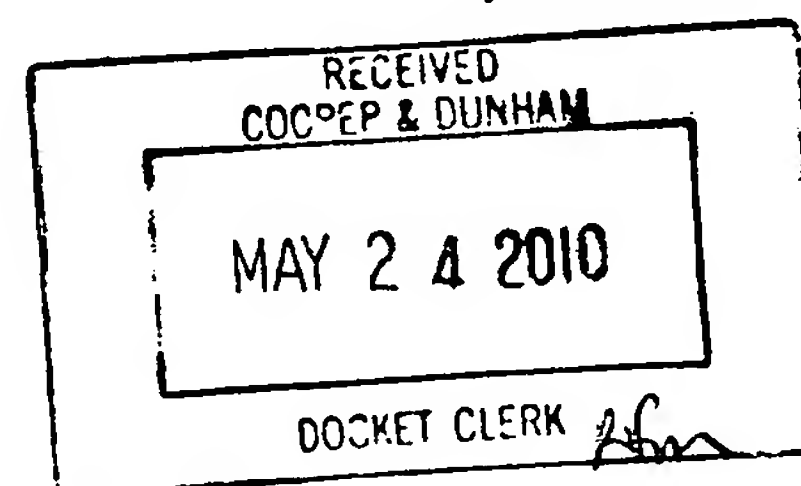
Date Mailed: 05/20/2010

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 05/04/2006
- Copy of the International Search Report filed on 05/04/2006
- Copy of IPE Report filed on 05/04/2006
- Preliminary Amendments filed on 05/04/2006
- Information Disclosure Statements filed on 05/04/2006
- Oath or Declaration filed on 03/21/2007
- Biochemical Sequence Listing filed on 04/29/2010
- Small Entity Statement filed on 05/04/2006
- Request for Immediate Examination filed on 05/04/2006
- Copy of references cited in ISR filed on 05/04/2006
- U.S. Basic National Fees filed on 05/04/2006
- Assignment filed on 03/27/2007
- Priority Documents filed on 05/04/2006
- Specification filed on 05/04/2006
- Claims filed on 05/04/2006
- Abstracts filed on 05/04/2006
- Drawings filed on 05/04/2006

Sequence Listing \uparrow ST EXT 5-26
2nd 6-26
3rd 7-26
4th 8-21
Deadline 9-26-1



Applicant's response filed 04/29/2010 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/26/2010 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

DONNA S GREENE

Telephone: (703) 756-1408

SEQUENCE LISTINGS AND TABLES RELATED THERETO IN INTERNATIONAL APPLICATIONS FILED IN THE U.S. RECEIVING OFFICE

The Administrative Instructions (AIs) under the Patent Cooperation Treaty (PCT), in force as of July 1, 2009, contain important changes relating to the manner of filing, and applicable fees for, sequence listings and/or tables related thereto (sequence-related tables) in international applications. The complete text may be accessed at <http://www.wipo.int/pct/en/texts/index.htm>.

Effective July 1, 2009, Part 8 and Annex C-bis will no longer form part of the AIs. Part 8 was introduced in 2001 as a temporary solution to problems arising from the filing of very large sequence listings on paper and provided for a *sequence listing forming part of the international application* to be filed in electronic form on physical medium (e.g., CD), together with the remainder of the application on paper. In 2002, Part 8 was expanded to include sequence-related tables and Annex C-bis was added to provide technical requirements. All applicants may now file complete international applications in electronic form, eliminating the need for these temporary provisions.

I. AIS PART 8 AND ANNEX C-BIS DELETED AS OF JULY 1, 2009

- A) **Sequence-related tables cannot be filed as a separate part of the description or in text format.** They must be provided as an integral part of the international application either:
- in PDF format as part of an international application filed in electronic form via EFS-Web; or
 - on paper as part of an international application filed on paper.
- B) **A *sequence listing forming part of an international application* may be provided either:**
- in electronic form, as part of an international application filed in electronic form via EFS-Web, in
 - Annex C/ST.25 text format (preferred), or
 - PDF format; or
 - on paper as part of an international application filed on paper.
- C) **A *sequence listing not forming part of the international application* (for search under PCT Rule 13ter) in Annex C/ST.25 text format**
- is not required where the *sequence listing forming part of the international application* was filed in Annex C/ST.25 text format as part of an international application filed in electronic form via EFS-Web
 - is required for search where the *sequence listing forming part of the international application* was filed in PDF
 - is required for search on physical medium (e.g., CD) where the *sequence listing forming part of the international application* was filed on paper as part of an international application filed on paper.

II. CALCULATION OF THE INTERNATIONAL FILING FEE AND FEE REDUCTION UNDER AI § 707

- A) **A sequence-related table must form an integral part of the international application and will incur FULL page fees with no upper limit.**
- B) **A *sequence listing forming part of an international application* filed:**
- via EFS-Web in Annex C/ST.25 text format will incur NO page fees;
 - on paper or in PDF format will incur FULL page fees with no upper limit.

III. AVAILABILITY OF SEQUENCE LISTINGS SUBMITTED FOR SEARCH UNDER PCT RULE 13TER

International Searching Authorities will be required to transmit to the International Bureau a copy of an Annex C/ST.25 text format sequence listing provided for search under PCT Rule 13ter. Any such sequence listing will be made available on PATENTSCOPE® (*sequence listings forming part of the international application* are already available).

IV. JULY 2009 REQUEST (PCT/RO/101)

The Request now has two options for the last sheet: one for paper filings; and one for EFS-Web filings. The July 2009 Request may be accessed at <http://www.wipo.int/pct/en/forms/index.htm>.

EXHIBIT B